

REMARKS

This is in response to the Office Action mailed on June 23, 2010, that reopened the prosecution of the present application.

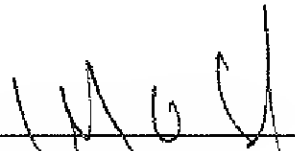
The Office Action rejected all of the pending claims under 35 U.S.C. 102(e) as anticipated by Niijima et al. (U.S. patent number 5,546,402). The present application is entitled, thought a series of continuations and divisional, to a priority date of April 13, 1989. This is several years before the earliest priority data to which the Niijima reference is entitled. Therefore, U.S. patent number 5,546,402 of Niijima et al. is not prior art applicable to the present application and the Office Action's rejection is not well-founded and must be withdrawn. Consequently, it is respectfully submitted that the present application is allowable.

Although believed allowable in their previously pending form, the independent claims are being amended. Many of the currently pending were, when originally added to the present application, copied from US patent number 5,818,754 of Ogura. Rather than continue to request an interference, the independent claims are being amended so that, in addition to being further allowable, they are no longer believed to correspond to claims of the Ogura patent, so that the present application (that has at this point been pending over a dozen years) may be allowed to pass to issuance.

More specifically, the independent claims (68, 71, and 74) are being amended to further specify that the "attribute data" includes "defect data" of the memory cells for storing data. This is shown in Figure 5 of the present application, described primarily at page 16, line 23, to page 17, line 25. As shown in Figure 5, the data portion ("first group") 403 stores user data and the "second" portion 405 includes storage for defect data related to the data portion 403. Consequently, it is now respectfully submitted that the presently pending claims are both allowable over the prior art and no longer correspond for the purposes of an interference with claims of the Ogura patent.

Consequently, it is believed that the present application is now in form for allowance, an early indication of which is earnestly solicited.

Respectfully submitted,



Michael G. Cleveland
Reg. No. 46,030

10-15-2010

Date

Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
(415) 276-6500 (main)
(415) 276-6520 (direct)
(415) 276-6599 (fax)
Email: michaelcleveland@dwt.com